

March 20, 2017

**Emmaus Borough Council
Agenda
March 20, 2017 7:00 PM**



1. Call to Order
2. Pledge of Allegiance
3. Personal Appeals, Part I
4. Community Minute
5. Special Presentations
6. Reading of Minutes
 - 6.a. Council Meeting - March 6, 2017
7. Decisions on Bids
 - 7.a. (1) 2017 Curb & Concrete Contractor
(2) 10th St. Culvert Replacement Project
(3) Sale of S. 2nd Street Property
8. Communications
 - 8.a. J. P. Raynock, 1005 N. 6th St., Emmaus - Request reappointment to the Planning Commission (term expires 4/1/2017).
 - 8.b. William Lahouchak, Jr., 656 Minor St., Emmaus - Request appointment to the Board of Health (open term expires 1/1/2020).
9. Borough Engineer's Report
10. Solicitor's Report
11. Unfinished Business, Part I
 - 11.a. Ordinance No. 1154 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a

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Residential Handicapped Parking Sign on the Public Street Located in Front of 556 Ridge Street Within the Borough of Emmaus (1st Reading 2/21/2017) (2nd Reading 3/20/2017).

12. New Business
13. Unfinished Business, Part II
14. Items Not on Agenda
Subject to Rule 9
15. Mayor's Report
16. Committee Reports

Public Works/(Highway, Water & Sewer) (Brown, Anders, DeFrain)
Next Meeting – April 10, 2017 at 3:00 p.m.

Health, Sanitation, and Codes (Shubzda, DeFrain, Brown)
Next Meeting – April 20, 2017 at 4:15 p.m.

Reappoint J. P. Raynock to the Planning Commission (new term expires 4/1/2021)

EAC Donation

Committee Meeting Notes - March 16, 2017

Parks and Recreation (Anders, Barrett, Labenberg)
Next Meeting – April 4, 2017 at 4:00 p.m.

Bobby Fick Memorial Bench

EPEMFA Concession Stand

Committee Meeting Notes - March 7, 2017

Public Safety (Gilbert, Barrett, Brown)
Next Meeting – April 5, 2017 at 3:00 p.m.

General Administration (Barrett, Labenberg, Gilbert)
Next Meeting – April 12, 2017 at 9:00 a.m.

Committee Meeting Notes - March 15, 2017

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Budget and Finance (Labenberg, Shubzda, Gilbert)

Next Meeting – March 23, 2017 at 3:15 p.m.

Bill List – Resolution 2017-11

Committee Meeting Notes - March 6, 2017

Community Relations, Planning and Development (DeFrain, Shubzda, Anders)

Next Meeting – April 13, 2017 at 4:00 p.m.

Committee Meeting Notes - March 9, 2017

17. Boards and Commissions

17.a. Employee Safety Committee Meeting Notes - March 7, 2017

17.b. Planning Commission Minutes – March 9, 2017

18. Personal Appeals, Part II

19. Borough Manager's Report

19.a. Significant Revenue and Expense Items for First Half of March, 2017

20. President's Business

Executive Session – Litigation and Personnel Matters

21. Adjournment

EMMAUS BOROUGH COUNCIL

The Emmaus Borough Council met in regular session on March 20, 2017 in Borough Council Chambers, 28 S. 4th Street, Emmaus, PA 18049.

CALL TO ORDER

Mr. Labenberg called the Meeting to order at 7:00 p.m.

Brent Labenberg, President	Present
Wesley Barrett, Vice President	Present
Roy Anders	Present
Nathan Brown	Present
Chris DeFrain	Present
Lee Ann Gilbert	Present
Jeffrey Shubzda	Present – Arrived at 7:13 p.m.
Winfield Iobst, Mayor	Present
Jeffrey Dimmich, Solicitor	Present
Shane Pepe, Borough Manager	Present

PERSONAL APPEALS, PART I

A. Karen Poshefko, 719 Glenwood Street – voiced concerns about global climate changes and presented Council with several handouts and charts. She encouraged Council to take action to reduce the carbon footprint of the Borough.

COMMUNITY MINUTE – None.

SPECIAL PRESENTATIONS – None.

READING OF MINUTES

Motion by Mr. DeFrain, seconded by Mr. Brown to adopt the March 6, 2017 Council Meeting Minutes as drafted. There were 6 ayes. Motion carried.

DECISION ON BIDS

Mr. Pepe stated that there were two bids received for the 2017 CDBG Curb and Concrete Bid. Staff recommends awarding the bid to Zgura Concrete, 4946 Jasper Road, Emmaus, in the amount of \$74,100.00. The other bid was received from A.J. Trunzo.

Motion by Mr. Brown, seconded by Mrs. Gilbert to award the 2017 CDBG Curb and Concrete Bid to Zgura Concrete, 4946 Jasper Road, Emmaus in the amount of \$74,100.00. There were 6 ayes. Motion carried.

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Mr. Pepe stated that one bid was received for the 10th Street Culvert Precast Concrete Components Bid. Mr. Pepe reminded everyone that the bid is just for the concrete. The construction contract bid will happen in the future. Mr. Labenberg asked if the Public Works Department will complete part of the work. Mr. Pepe responded that depending on the amount of the bids received, the Public Works Department will complete part of the work.

Motion by Mr. Brown, seconded by Mrs. Gilbert to award the 10th Street Culvert – Precast Concrete Components Bid to Contech Engineered Solutions, LLC in the amount of \$198,400.00. There were 6 ayes. Motion carried.

Mr. Pepe stated that no bids were received for the 2nd Street property, but that there are parties that are interested in a private sale. Mr. Labenberg referred the item to the General Administration Committee.

COMMUNICATIONS

a. J.P. Raynock, 1005 N. 6th St., Emmaus – Request reappointment to the Planning Commission (term expires 4/1/2017).

Motion by Mr. Barrett, seconded by Mr. Anders to reappoint J.P. Raynock to the Planning Commission to a term expiring on 4/1/2021. There were 7 ayes. Motion carried.

b. William Lahouchak, Jr., 656 Minor St., Emmaus – Request appointment to the Board of Health (open term expires 1/1/2020).

Mr. Pepe stated that Mr. Lahouchak was interviewed prior to tonight's Council Meeting. Mr. Anders stated that Mr. Lahouchak is very enthusiastic and has been a resident of the Borough for 20+ years.

Motion by Mr. Anders, seconded by Mrs. Gilbert to appoint William Lahouchak, Jr. to the Board of Health to a term expiring on 1/1/2020. There were 7 ayes. Motion carried.

BOROUGH ENGINEER'S REPORT – None.

SOLICITOR'S REPORT

Solicitor Dimmich stated that he will need to hold a brief Executive Session to discuss a litigation matter.

Progress.

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UNFINISHED BUSINESS, PART I

Ordinance No. 1154 – An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 556 Ridge Street Within the Borough of Emmaus (1st Reading 2/21/2017) (2nd Reading 3/20/2017).

Motion by Mr. Brown, seconded by Mrs. Gilbert to adopt Ordinance No. 1154 - An Ordinance of the Borough of Emmaus, Lehigh County, Pennsylvania, Amending Chapter 15 §602.2.A of the Emmaus Borough Code, Removing a Residential Handicapped Parking Sign on the Public Street Located in Front of 556 Ridge Street Within the Borough of Emmaus on its 2nd Reading. Roll call vote: Mr. Brown, aye; Mr. Shubzda, aye; Mr. Anders, aye; Mrs. Gilbert, aye; Mr. DeFrain, aye; Mr. Barrett, aye; Mr. Labenberg, aye. There were 7 ayes. Motion carried.

NEW BUSINESS – None.

UNFINISHED BUSINESS, PART II – None.

ITEMS NOT ON AGENDA, subject to Rule 9 – None.

MAYOR’S REPORT

Progress.

COMMITTEE REPORTSa. Public Works Committee

Mr. Brown stated that he discussed rescheduling the next Committee Meeting from April 10, 2017 to April 3, 2017.

b. Health, Sanitation, and Codes Committee

Mr. Shubzda reported that the EAC is requesting that the Borough donate half of the price of the licensing fee for the annual Earth Day event to be held on Saturday, April 8, 2017. Mr. Barrett asked if there were fees previously associated with the event. Mr. Shubzda responded that the hauler that was previously used donated its services. Mr. Labenberg asked if the EAC has a Line Item for budgeted funds. Mr. Pepe responded that the donation will come out of the Contingency Fund. Mr. Shubzda stated that Upper Milford Township will donate the other half of the fee.

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Motion by Mr. Shubzda, seconded by Mr. Anders to grant the Emmaus/Upper Milford Joint Advisory Council's request to donate \$334.00 for the annual Earth Day event to be held on Saturday, April 8, 2017. There were 7 ayes. Motion carried.

Mr. Shubzda entertained questions about the Committee Minutes. He stated that the E-Waste Recycle dumpster opened on March 13, 2017 and the dumpster was completely full. He also stated that the Committee will continue to discuss creating a ticketing program based on the County Blight Task Force.

The next Committee Meeting is April 20, 2017 at 4:15 p.m.

Progress.

c. Parks and Recreation Committee

Mr. Anders reported that the Committee met on March 7, 2017. The Committee received a request from John Zgura, on behalf of the Emmaus Youth Association, requesting permission to install a memorial bench in memory of Bobby Fick. Mr. Fick was a long-time baseball fan who used to sit on the same bench for many years. Mr. Anders stated that Mr. Zgura will pour the concrete and EYA will purchase the bench and purchase a plaque to be placed on the bench.

Motion by Mr. Anders, seconded by Mr. Barrett to grant the Emmaus Youth Association's request to install a memorial bench at the Emmaus Community Park in memory of Bobby Fick. There were 7 ayes. Motion carried.

Mr. Anders reported that Brent Lenig was in attendance and requested permission to build a concession stand at the multi-purpose field. The concession stand would be located between the pavilion and the building. The EPEMFA will construct the concession stand contingent upon code approval.

Motion by Mr. Anders, seconded by Mr. Barrett to grant the EPEMFA's request to construct a concession stand at the Emmaus Community Park's multi-purpose field. There were 7 ayes.

Mr. Anders reported that the Committee discussed the proposed Boy Scout project.

Progress.

d. Public Safety Committee

Mrs. Gilbert reported that the next Committee Meeting is Wednesday, April 5, 2017 at 3:00 p.m.

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Progress.

e. General Administration Committee

The next Committee Meeting is Wednesday, April 12, 2017 at 9:00 a.m.

Progress.

f. Budget and Finance Committee

Resolution 2017-11, authorizing payment of the March 20, 2017 Bill List, as follows:

Bill List	\$	377,332.94
Payroll #6	\$	132,519.97
Payroll Taxes	\$	<u>45,645.27</u>
Total	\$	555,498.18

Done this 20th day of March 2017.

Motion by Mrs. Gilbert, seconded by Mr. Shubzda to adopt Resolution 2017-11. There were 7 ayes. Motion carried.

Mr. Labenberg stated that the March 23, 2017 Committee Meeting has been cancelled.

Progress.

g. Community Relations, Planning and Development Committee

Mr. DeFrain reported that the Committee selected the Volunteer of the Year. He stated that he emailed Council with the name of the individual. The individual will be recognized at a future Council Meeting. He also stated that the Committee discussed adding different functions and responsibilities to the CRD Committee.

The next meeting is April 13, 2017 at 4:00 p.m.

Progress.

PERSONAL APPEALS, PART II

A. Otto Slozer, 121 E. Elm Street, Emmaus – stated that twice during the evening, Council discussed what should be deliberations in a public setting but it was mentioned that the public’s business was going to be conducted via email. He stated that the public has a right to hear the Volunteer of the Year and asked how it complies with the Sunshine Act. Solicitor Dimmich stated that it is part of the deliberative process and until it is passed, it is

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not a public record. Mr. Slozer stated that it was mentioned in a public meeting. Solicitor Dimmich responded that Council will need to approve the nomination. Mr. Pepe stated that a Committee selected an individual in a public Committee Meeting and the choice was sent via email so that the individual does not find out prior to the announcement. He stated that there was no deliberation via email. Mr. Slozer suggested that in the future Council should not mention it in a public meeting.

BOROUGH MANAGER'S REPORT

Mr. Pepe reported that the Significant Revenue and Expense Items for the first half of March, 2017 are in the iPads and entertained questions about them.

Progress.

PRESIDENT'S BUSINESS

Mr. Labenberg reported that he received a letter from the Pennsylvania Turnpike Commission on the total reconstruction and widening of the Turnpike from milepost A53-A57, which encompasses the area of Lower Macungie Road through the Lehigh Valley Interchange. He stated that there will be a meeting held at the Lower Macungie Township Wescosville Recreation Center on April 10, 2017 at 10:00 a.m. to discuss the project.

Mr. Labenberg recessed the meeting at 7:30 p.m. for an Executive Session to discuss a litigation matter and a real estate purchase matter with possible action anticipated.

Mr. Labenberg reconvened at 7:58 p.m. with action required.

Motion by Mr. DeFrain, seconded by Mrs. Gilbert to grant the Borough's Solicitor authorization to file an Allowance of Appeal of the Commonwealth Court Decision in the PLRB case to the Supreme Court of PA. There were 7 ayes. Motion carried.

Progress.

ADJOURNMENT

Motion by Mr. Gilbert, seconded by Mrs. Anders to adjourn the March 20, 2017 Emmaus Borough Council Meeting. There were 7 ayes. Motion carried.

The Meeting adjourned at 7:59 p.m.

Shane M. Pepe
Borough Manager

Transcribed by: Paula Weiant
Administrative Assistant
March 24, 2017